

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:06-CV-221-D(2)

EDNA J. MURRELL,)
)
Plaintiff,)
)
v.) **ORDER**
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

On November 8, 2007, Magistrate Judge Daniel issued a Memorandum and Recommendation (“M&R”). In that M&R, Judge Daniel recommended that plaintiff’s motion for judgment on the pleadings be granted, that the defendant’s motion for judgment on the pleadings be denied, and that the action be remanded to the Commissioner. Defendant did not file any objections to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting 28 U.S.C.A. § 636(b)(1) (West 1993 & Supp. 2005)). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Id. (quotation omitted).

The court has reviewed the record and the briefs. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court accepts the M&R. Plaintiff’s motion for judgment on the pleadings is GRANTED, defendant’s motion for judgment on the pleadings is DENIED, and the action is REMANDED to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

SO ORDERED. This 11 day of December 2007.


JAMES C. DEVER III
United States District Judge